

West Virginia Department of Agriculture

Kent A. Leonhardt, Commissioner
Joseph L. Hatton, Deputy Commissioner



MEMORANDUM

TO: Mac Warner, Secretary of State
FROM: Kent Leonhardt, Commissioner of Agriculture
DATE: July 1, 2020
RE: Emergency Modification of 61 C.S.R. 30 (Hemp Products)

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

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FILED

On March 16, 2020, Governor Justice issued a proclamation declaring a state of emergency in response to the public health risks posed by the COVID-19 epidemic in West Virginia. Pursuant to the Governor's authority set forth in W.Va. Code §15-5-6(c)(7), that proclamation "delegate[d] to all state agencies the ability to suspend rules, if strict compliance therewith would in any way prevent, hinder or delay necessary action in coping with the emergency."

The legislative rule relating to Hemp Products (61 C.S.R. 30) establishes requirements for the registration and regulation of hemp products sold in West Virginia, as required by W. Va. Code §19-12E-7. In particular, the legislative rule requires the annual registration of all hemp products sold in West Virginia, and of all retail facilities that sell or distribute hemp products in West Virginia, beginning July 1, 2020.

Because of the impact of COVID-19 on the business community, as well as the fact that the regulatory program and related fees first goes into effect July 1, 2020, I have decided to modify the Hemp Products legislative rule, 61 C.S.R. 30, by adopting the following policy:

Registrations that are submitted during 2020 will not expire on December 31, 2020, and will instead remain in effect until December 31, 2021. All fees that are paid for initial registration of products during 2020 will satisfy the requirements for registration in both 2020 and 2021. In other words, hemp products and hemp product retail locations will have to pay fees only once to remain registered for both 2020 and 2021.

This policy affects, and modifies, 61 C.S.R. 30 in the following manner:

W. Va. C.S.R. §61-30-4.1: "The manufacturer of all hemp products, including hemp fiber products, available for distribution in West Virginia shall register annually with the Department, **except as modified by sections 4.3 and 4.4, below.** This includes products manufactured in West Virginia, another state, or another country."

mailing address: 1900 Kanawha Blvd. East, Charleston, WV 25305-0170

physical address: 217 Gus R. Douglass Lane, Charleston, WV 25312

telephone: 304-558-3550 • fax: 304-558-2203

www.agriculture.wv.gov

W. Va. C.S.R. §61-30-4.3: “Registrations shall expire on December 31 of the year for which the registration was issued, regardless of the date the registration is received, ***except that registrations filed during 2020 will not expire until December 31, 2021.***”

W. Va. C.S.R. §61-30-4.4.b: “A renewal fee of \$200.00 per hemp product shall be submitted to renew a product’s registration. Renewal fees shall be accompanied by a form provided by the Department identifying the product to which the fee corresponds. ***No renewal fee is required to be submitted for calendar year 2021 for products that are registered in calendar year 2020.***”

W. Va. C.S.R. §61-30-5.4: “A registration fee shall be paid annually, ***except that retail facilities that register in calendar year 2020 are not required to pay a registration fee for calendar year 2021.*** Registrations shall expire on December 31 of the year for which the registration was issued, regardless of the date the registration is received, ***except that registrations that are filed during calendar year 2020 will not expire until December 31, 2021.***”

This rule modification will remain in effect until December 31, 2020, or until lifted or otherwise modified by the Commissioner.